

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, July 17, 1984

Present: Commissioner George R. Aud, President
Commissioner Richard D. Arnold
Commissioner Ford L. Dean
Edward V. Cox, County Administrator
Judith A. Spalding, Recording Secretary

(Commissioners Larry Millison and David Sayre were not present due to illness.)

CALL TO ORDER

Commissioner President Aud called the meeting to order at 9:15 a.m.

APPROVAL OF MINUTES

Commissioner Arnold moved, seconded by Commissioner Dean, to approve the minutes of the Commissioners' meeting of Tuesday, July 3, 1984. Motion carried.

APPROVAL OF BILLS

Commissioner Aud moved, seconded by Commissioner Dean, to approve payment of the bills as submitted. Motion carried.

OFFICE OF ECONOMIC & COMMUNITY DEVELOPMENT

Present: Joseph Mitchell, Director
David W. Morgan, Economic Development Coordinator

1) MD. DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT
MORTGAGE REVENUE BONDS

Mr. Mitchell advised the Commissioners that the Md. Department of Economic & Community Development will be issuing additional mortgage revenue bonds on behalf of local jurisdictions, \$1.14 Million of which will be made available to St. Mary's County. The County must allocate \$11,400 (1%) up front, which will be reimbursed. Therefore, authorization is requested for Commissioner President Aud to sign a Letter of Intent to participate to be forwarded to the State. An Agreement will be submitted for signature at a later date.

Commissioner Arnold moved, seconded by Commissioner Aud, to authorize Commissioner President Aud to sign said Letter of Intent. Motion carried.

2) INDUSTRIAL DEVELOPMENT BONDS
DEFICIT REDUCTION ACT OF 1984

Mr. Morgan advised the Commissioners that with the enactment by Congress of the referenced Act the County will have to develop amended procedures for review and approval of IDB's. One of the major changes in the issuance of bonds is that a limitation has been placed on the bonds which can be issued during a calendar year as of June 19, 1984. For the remainder of 1984 St. Mary's County has an allocation of only \$4.492 Million; however, this does not apply to applications that were approved prior to June 19 if they are closed by December 31, 1984. Mr. Morgan indicated that there are eight projects which have been approved but not settled. Recommendations for developing interim procedures are as follows:

- a) Expand the IDB Review Committee;
- b) Notification to the public of the "cap" and that interested applicants for the remainder of '84 funding should submit their application by August 3, and that certain threshold conditions be established in evaluating applications.
- c) The development of a rank and rating system for applications should the response between now and August 3 exceed the '84 allocation.
- d) A letter be forwarded to those approved but not settled applicants urging them to try to close their IDB financing by the end of the year so that they will not fall within the new restrictions.

After some discussion, the Commissioners concurred in accepting the referenced recommendations.

3) CONVEYANCE OF PROPERTY FOR MINITEC

(Also Present: Joseph Densford, Assistant County Attorney)

Mr. Densford presented a Deed by and between the Board of County Commissioners of St. Mary's County and Minitec Corporation for the conveyance of 9.816 acres of unimproved land, Sixth Election District, St. Mary's County, to AmStar Corporation. Also presented was an Assignment of Options for the purchase by Minitec of Lots 24 and 25, Section One of the St. Mary's Industrial Park. Mr. Mitchell indicated no comments were received relative to the Public Notice published in the Enterprise Newspaper.

Commissioner Dean moved, seconded by Commissioner Arnold, to authorize Commissioner President Aud to sign the Deed and Assignment as presented. Motion carried.

PUBLIC SCHOOL BUDGETARY MODIFICATION REQUESTS

Present: Joseph O'Dell, Director,, Budget & Data Services
Gordon Smith, St. Mary's Public Schools

Mr. O'Dell advised that the Public Schools by letters dated July 5 and July 11, 1984 submitted requests for certain budgetary modifications and, therefore, Mr. O'Dell submitted his comments on these requests in a memorandum dated July 16.

a) Capital Improvement Request

For a therapy tank at Green Holly School. \$25,930 additional funds are needed to fund this project. Mr. O'Dell recommended that this amount be reallocated from the School's Chopticon High School Account and Paving Project Account.

Commissioner Dean moved, seconded by Commissioner Arnold, to indicate the Board's approval of the request to transfer funds in the Public School's Capital Program (Chopticon High School and Paving Project Accounts) for the purchase of a therapy tank at Green Holly. Motion carried.

b) Operating Request

To adjust the Board of Education's FY '85 budget by increasing Revenue in the amount of \$281,501 based on the recovery of Blue Cross/Blue Shield Insurance premiums in FY '83 and to adjust their Outlay by like amount.

Mr. O'Dell recommended that prior to any decision being rendered by the Commissioners on this request that the Board of Education be asked to follow the same accounting principles that the County has adopted; i.e., to base the budgetary requests and expenditures on a prospective policy payment be set up in an Accounts Receivable due from Blue Cross/Blue Shield.

Later in the meeting, Mr. O'Dell presented a letter for the Commissioners' review and signatures to Dr. Lorton, Superintendent, St. Mary's Public Schools setting forth the above recommendation. The Commissioners agreed to sign and forward said letter.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) PERSONNEL

The County Administrator presented the following personnel items for the Commissioners' review and approval:

a) Proposed Amendment to Personnel Policy

Memorandum dated July 17, 1984 from Personnel Officer recommending a change to the Manual of Personnel Policies and Procedures relative to overtime. If any employee is recalled for non-scheduled work time, that travel time be included as work time (Paragraph 1603(c)). The Employees' Association officers have been informed of the change and are in agreement that a public hearing would not be necessary for this change.

Commissioner Dean moved, seconded by Commissioner Arnold, to approve the change as recommended. Motion carried.

b) Exception to Personnel Policies and Procedures
Engineer Position - County Engineer's Office

By memorandum dated July 12, 1984 the Personnel Officer requested an exception to the recruitment procedures for the Engineering position vacated by Glenn Gass. The position was advertised as a Grade 15, and the three applicants who met the qualification requirements were, for one reason or another not hired. However, three remaining applicants lacked the three years experience required for the Grade 15, and the County Engineer has requested that the position be downgraded to Engineer I, Grade 14, with promotional potential to Grade 15 and that these three be considered. The Personnel Manual requires that the position be readvertised at the Grade 14 level.

Commissioner Dean moved, seconded by Commissioner Arnold, to approve the exception to the policy and downgrade the position to Grade 14 with promotional potential to Grade 15 and authorize the issuance of a certificate referring the applicants. Motion carried.

c) Sheriff's Department
Clerk Stenographer

By memorandum dated July 10, 1984, the Personnel Officer requested authority to refer a listing of eligible candidates for the Clerk Stenographer, Grade 6, position, in the Sheriff's Department vacated by Roberta Dooley on April 20, 1984. The position is currently occupied by a temporary employee.

The Commissioners gave their concurrence.

d) Highway Maintenance Personnel

By memorandum dated July 11, 1984 the Personnel Officer advised that two persons selected for Highway Maintenance positions have subsequently declined and the County Engineer has selected two persons who had been originally selected for lower grade positions. It is therefore recommended that Francis C. Copsey who is currently serving as Highway Maintenance Worker, be appointed to Motor Equipment Operator I, Grade 6, effective July 30, 1984 and Sandra K. Bean, who is currently assigned to a Grade 4 position be appointed to Highway Maintenance Worker, Grade 5, effective July 30, 1984.

The Commissioners gave their concurrence.

e) Economic Development Commission Office
Clerk-Typist Position

By memorandum dated July 9, 1984 the Personnel Officer requested authority to establish and advertise the Clerk-Typist position in the Economic Development Commission Office.

The Commissioners gave their concurrence.

f) Temporary Promotion
Office of Planning & Zoning

By memorandum dated July 9, 1984 the Personnel Officer submitted a recommendation that Kathleen Dionne, Permits Clerk (Grade 6), receive a temporary promotion as Recording Secretary (Grade 8) while Anita Meridith is on maternity leave, effective May 28, 1984 to September 28, 1984.

The Commissioners gave their concurrence.

g) Patrolman Position
Sheriff's Department

By memorandum dated July 11, 1984 the Personnel Officer recommended the appointment of Paulo R. Martinze from a list of eligibles to the Patrolman position, Grade 12, vacated by Mickey Bailey, effective July 9, 1984.

The Commissioners gave their concurrence.

h) Supervisor, Construction and Inspections
County Engineer's Office

By memorandum dated July 16, 1984, the Personnel Office advised that the Commissioners authorized the filling of the referenced position on June 19, which was vacated by Walter Wise. Mr. Norris, the County Engineer, selected George Jarboe from among the applicants, who has been serving in the position on a temporary basis, at a Grade 17, Step 3.

The Commissioners gave their concurrence.

2) CORRESPONDENCE

The County Administrator presented the following items of correspondence for the Commissioners' review and signatures:

- a) St. Clement's Museum - To Larry Abell, FEDCO Systems, Inc., expressing gratitude for the generous donation of services relative to the construction of the new St. Clement's Museum building.
- b) Rural Development Program To David Schultz, Md. Dept. of Economic & Community Development indicating approval of the Rural Development Program as presented.
- c) Task Force on Technological Education To Senator Bernie Fowler expressing support for the recommendations made by the Task Force and pledging the County's cooperation and assistance.

The Commissioners agreed to sign and forward the referenced letters.

3) BLUE CROSS/BLUE SHIELD INSURANCE PROGRAM

The County Administrator advised that there are two items requiring the Board's attention relative to the County's health insurance program:

- a) Retrospective Basis of Payment Contract

As a followup to previous discussion and approval for the County to change to a retrospective fee basis with Blue Cross/Blue Shield, the County Administrator presented the referenced Contract Agreement for the Board's signature.

Commissioner Dean moved, seconded by Commissioner Arnold, to approve and authorize Commissioner President Aud to sign said Agreement. Motion carried.

- b) Cost Containment Program

The County Administrator presented a proposal for a cost containment program, the principle components of which are:

Coordination of Benefits
Re-enrollment of Members
Subrogation
No-fault
Workmen's Compensation
Utilization Control and Admission Review Program
Charge Audit Verification Program.

The County Administrator explained that there will be cost savings which will benefit the county employees by preserving good health insurance coverage.

After some discussion, the Commissioners authorized county staff to proceed with the implementation of the cost containment program.

4) CLEARINGHOUSE PROJECTS

No. MD 84-6 721

St. Mary's College

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No. MD 84-6-721
St. Mary's College
Housing Rehabilitation

No. MD 84-7-762
Department of Natural Resources
Phase I Development of St. Mary's Lake Boat Center

The County Administrator presented the referenced clearinghouse projects and recommended that they be forwarded to the State with the comment that they are not inconsistent with this agency's plans, programs or objectives. The Commissioners gave their concurrence.

5) NOTIFICATION OF GRANT AWARD
OFFICE ON AGING

The County Administrator presented the Notifications of Grant Award for the Office on Aging Programs as follows: Gateway I - \$15,750; Title III-B - \$53,230; Title III-C1 - \$68,814; Title III-C2 - \$12,621. He stated that all NGA's have been reviewed and are recommended for the Board's approval.

Commissioner Dean moved, seconded by Commissioner Aud, to approve and authorize Commissioner President Aud to sign said NGA's. Motion carried.

6) BUDGET AMENDMENT NO. 85-2
COUNTY ENGINEER

The County Administrator presented the referenced Budget Amendment recommended for approval by the Budget Director with the following justification: Change Order to contractor for hauling unsuitable material from Lexington Park Storm Drainage Project for backfilling trenches to St. Andrews Landfill.

Commissioner Arnold moved, seconded by Commissioner Aud, to approve and sign said Budget Amendment. Motion carried.

7) BOARDS, COMMITTEES AND COMMISSIONS
APPOINTMENTS

a) Tourism Advisory Committee

Commissioner Arnold moved, seconded by Commissioner Dean, and unanimously carried to appoint the following individuals for terms to expire July 15, 1985:

<u>Name</u>	<u>Representation</u>
Betty Stilt	Tri-County Council
Jack Candela	Leonardtwn Commissioners
Mary Bell	350th Committee
Daryl DeCesare	Point Lookout State Park
Michael Devine	St. Mary's City Commission
Marianne Chapman	Sotterly Mansion
Jane Conklin	Belvedere Restaurant & Motor Inn
Nadya Drury	Crafts Guild/Christmas Store
Murray Jackson	Local Business
Bill Frierson	Naval Air Station
Robert Kopel	St. Clements Museum
Ted Lewis	St. Mary's College
David W. Morgan	Co. Economic Development Coord.
Peggy McCabe	Local business
Boyd Russell	Patuxent Inn

b) MENTAL HEALTH ALCOHOLISM DRUG ABUSE ADVISORY COUNCIL

Commissioner Dean moved, seconded by Commissioner Aud, and unanimously carried, to appoint the following individuals:

	<u>Term to Expire</u>
Sue Gelrud (Walden)	June 30, 1987
John Bloxham (Drug/Alc. Program, NAS)	June 30, 1985
Berlin Cummings (Alc. Treatment Program)	June 30, 1986

c) ST. MARY'S COUNCIL ON CHILDREN AND YOUTH

Commissioner Dean moved, seconded by Commissioner Aud, and unanimously carried, to appoint the following individuals:

Kim O'Connor (Chopticon)	June 30, 1985
Marcie Mayor (Great Mills)	June 30, 1985
John F. Kralle	Dec. 31, 1985

8) ZONING AMENDMENT RESOLUTION NO. Z84
J. WALTER NORRIS - ZONE #83-1210

Having conducted a public hearing and held subsequent decision discussions, Commissioner Aud moved, seconded by Commissioner Arnold, to approve and sign Zoning Amendment Resolution No. Z84- APPROVING the rezoning of the property from R-1 to C-1 on the condition that no bar or taverns be permitted on the subject property. Commissioner Dean voted against the motion stating that in that the restriction regarding access to Md. Rt. 235 was not included, he was not in favor of approving it. Motion carried with a a vote of two to one.

9) DOMESTIC VIOLENCE/SEXUAL ASSAULT PROGRAM

The County Administrator advised that notification has been received the the Maryland Department of Human Resources of the allocation of funds for the Domestic Violence/Sexual Assault Program and that the budget figures have been amended: Domestic Violence - \$18,131; Sexual Assault - \$11,904.

Commissioner Arnold moved, seconded by Commissioner Dean, to approve the amended budget figures as set forth above. Motion carried.

10) RESOLUTION NO. 84-18
PINE HILL RUN SEWAGE TREATMENT PLANT ALLOCATION AUTHORITY

As a follow up to previous discussion, the County Administrator presented the referenced Resolution granting the Planning Commission the responsibility for allocation authority of Pine Hill Run Sewage Treatment Plant.

Commissioner Aud moved, seconded by Commissioner Arnold, to approve and sign said Resolution. Motion carried.

11) COASTAL ZONE MANAGEMENT CONTRACTUAL AGREEMENT

The County Administrator presented the referenced Agreement between St. Mary's County and the Department of Natural Resources for the County's Coastal Zone Management Program for the period July 1, 1983 - June 30, 1984.

Commissioner Arnold moved, seconded by Commissioner Dean, to approve and authorize Commissioner President Aud to sign said Contract Agreement. Motion carried.

SECOND DISTRICT PARK BIDS

Present: John V. Baggett, Director, Recreation and Parks

Mr. Baggett advised that bids were solicited for the Paving, Fencing and Earthwork at the Second District Park with one bid being submitted for each item. Mr. Baggett recommended that the bids be accepted; however, that he be given the authority to negotiate with the bidder as necessary.

Bids are as follows:

Paving - Insley Construction - \$101,391
(Mr. Baggett would like to negotiate for use of gravel on the site)
Fencing - Long Fence Company - \$ 32,528
Earthwork - Raymond Woodburn - \$121,300
Mr. Baggett would like to negotiate for more cutting and less filling)

Commissioner Dean moved, seconded by Commissioner Arnold, to accept the bids as recommended by Mr. Baggett and that he be given the authority to negotiate with all three bidders as necessary. Motion carried.

ALLEGED COPPAGE HEIRS PROPERTY
ST. MARY'S RIVER WATERSHED SITE

Present: Mary Calloway

Mrs. Calloway appeared before the Commissioners to present additional documents and testimony as a follow up to her previous presentations relative to the transfer of property for the St. Mary's River Watershed project. After some discussion, the Commissioners explained once again they had received legal opinions that restricted their ability to make a decision in this matter and advised Mrs. Calloway that her only recourse in resolving the issue was to take it to court.

OFFICE OF COUNTY ENGINEER ITEMS

Present: John Norris, County Engineer

1) EMPLOYMENT AGREEMENT
ASPHALT PLANT SCALEMAN

The County Engineer presented an Employment Agreement dated July 1, 1984 to continue the employment of George Adams as Asphalt Plant Scaleman. Commissioner Arnold moved, seconded by Commissioner Dean, to approve and authorize Commissioner President Aud to sign said Agreement. Motion carried.

2) RADIO TOWER

Mr. Norris advised the concerns by FAA relative to the tower to be placed at the new County Engineer's site have been resolved in that it will not affect the ceiling heights around the Airport. He further stated that the County has now received its radio frequency.

3) BID TALLY SHEET
CONSTRUCTION OF EMBANKMENTS
DRAINAGE AND OTHER WORK
ST. MARY'S COUNTY AIRPORT
PROJECT NO. SM 85-4-1

Mr. Norris presented the bid tally sheet for the referenced project and advised that no bids had been received. He stated that the materials that was thought to be at the project was at the other end of the job (north of Hollywood).

4) ST. MARY'S COUNTY FIRE BOARD
"T" TURNAROUND

Mr. Norris advised that correspondence dated July 11, 1984 was recieved from the County Fire Board indicating their opposition to the "T" turnaround due to the problem of turning fire equipment. Mr. Norris advised that this is being reviewed and would return to the Commissioners with a recommendation at a later date.

EXECUTIVE SESSION

Present: Frank Gerred, Director, OPZ
Robin Guyther, Planner, OPZ

Commissioner Dean moved, seconded by Commissioner Arnold, to meet in Executive Session in order to discuss matters of Personnel. The Session was held from 11:40 a.m. to 1:00 p.m. (Mr. Gerred and Mr. Guyther left the Session at 12:20 p.m.)

PUBLIC HEARING - TEXT AMENDMENT TO ZONING ORDINANCE
STORM WATER MANAGEMENT
ZONE #84-0850

Present: Frank Gerred, Director, Office of Planning & Zoning
Robin Guyther, Planner, OPZ
John Norris, County Engineer
Michael Wettengel

The Commissioners conducted a public hearing on the Stormwater Management Regulations as follows:

Requesting amendment to Zoning Ordinance, in accordance with new State Stormwater Management Regulations, increasing requirements for detention, retention, and infiltration of stormwater; adding provisions for exemptions, waivers, and variances; and addign requirements for maintenance of stormwater devices.

Mr. Gerred read the Notice of Public Hearing and reviewed the proposed Ordinance which will become Article 8 of the St. Mary's County Zoning Ordinance. In response to an inquiry from the Board, Mr. Gerred advised that the public has been notified of the hearing through advertisement in the Enterprise newspaper; there have been discussions at the Planning Commission meetings; discussions of the proosed regulations have been aired over the radio; and workshops have been held. The Planning Commission has recommended adoption of the Regulations as written.

Mr. Norris presented a suggested change to the Ordinance as follows:

54.04 APPROVING AUTHORITY

The Planning Commission shall be the approving authority for all site plans, except Industrial site plans which shall also require the approval of the Board of County Commissioners. Such approval shall be based on recommendation of the Zoning Administrator, County Engineer, and other appropriate agencies, and provisions contained in this Ordinance. All technical aspects for the Design of Stormwater Management plans, and on site and off site drainage, shall be reviewed and approved by the Office of the County Engineer prior to approval by the Planning Commission. Any person aggrieved by and decision of the Office of the County Engineer may appeal the decision to the Planning Commission for resolution. The Planning Commission may delegate authority for specific site plan approval to the Zoning Administrator.

60.09 CERTIFICATE OF OCCUPANCY

ADD: No Certificate of Occupancy shall be issued until all Stormwater Management facilities are completed and functioning, or bonded for completion in accordance with this Ordinance. Any Stormwater Management structure which creates an embankment of three feet or greater, or any other structure of significant size or impact to down stream drainage shall be inspected during construction and upon completion by the Office of the County Engineer.

Mr. Norris indicated that whenever there is design, site plans, subdivisions, etc., the first consideration has to be storm drainage and secondary and minor is stormwater management.

Mr. Gerred advised the Commissioners that the State has approved the draft Regulations and the inspection schedule and will approve the grant once the Ordinance is adopted. Any amendments will have to be submitted to the State for approval.

After discussion, the Commissioners advised that the Board would make a decision regarding adoption of the Ordinance at next week's meeting.

Hearing no further comments, the public hearing was closed. A tape of the proceedings is on file in the Office of Planning and Zoning.

NEW NURSING HOME PROPOSAL

Present: George Smith, Director, Nursing Home
Joseph Tolson, Nursing Home Bldg. Committee
Daniel Capper, " " " "
Julia Richardson, " " " "
Edward V. Cox, " " " "
Joseph O'Dell, " " " "
John Norris, " " " "
Lou Huber, Housing & Health Services, Inc.

Mr. Huber, as consultant to the Nursing Home Building Committee, presented and reviewed his final report on the proposed new nursing home and the conversion of the existing facility into a health services facility. The report, a copy of which is on file in the County Commissioners' Office, demonstrated:

1. That the construction and operation of a new nursing home is economically feasible.

2. That the conversion of the existing nursing home into a domiciliary care, medical day care center and alcoholism rehabilitation unit is financially and programatically feasible when viewed in conjunction with the new nursing home.

3. That a not-for-profit corporation should be formed to operate and manage the above-described health care facilities.

4. That current population statistics and future projections indicate that St. Mary's County has proportionately the fastest growing health population in the State of Maryland and, therefore, there will be a demand for increased health care facilities for those over the age of 65.

5. That the total site should be provided to the not-for-profit corporation for health care facilities for the elderly, said site including all of the property currently owned by the hospital and all property owned by the County.

6. That the best use of the property dictates the removal of the two homes and the old hospital building from the site.

After some discussion, the Commissioners requested the Building Committee to thoroughly review the report and return with its recommendations regarding same.

The Committee presented draft documents to the Commissioners for the establishment of a not-for-profit corporation and requested the approval of the County Commissioners to initiate the process of incorporation. Also the Committee requested the approval of the County Commissioners to proceed with the selection of an architectural firm for the design of the new nursing home. The Commissioners approved both requests with the understanding that documents will be brought back for final Commissioner approval.

The Commissioners agreed that prior to the final decision of the construction of a new nursing home or the removal of the old hospital a public hearing would be conducted so that the public will be fully informed.

ST. MARY'S CITY MOTEL/CONFERENCE CENTER SITE

Present: Dr. J. Patrick Jarboe, President Chamber of Commerce

Dr. Jarboe appeared before the Commissioners to express the Chamber of Commerce's opposition to the State's selection of the Mill site at St. Mary's City for the proposed Motel/Conference Center. Dr. Jarboe stated that the Chamber of Commerce is of this opinion because that site is in the middle of the historical park and would like the State to further analyze the Hill site as a more appropriate location for the Center. Dr. Jarboe stated there are two possible solutions: (1) That local government zone an area on the outskirts of the area Commercial and let private enterprise develop it. He stated that St. James would be an ideal place to zone Commercial. (2) To try to get the State to evaluate the Hill site. In conclusion, Dr. Jarboe requested the Board to write a letter to the Department of Public Works and St. Mary's City Commission expressing concern over the Mill location, and requesting a public informational meeting, and inquiring as to the possibility of evaluation of the Hill site. In support of the Chamber's position, Dr. Jarboe presented a petition with 125 signatures of those individuals who are opposed to the Mill site.

EXECUTIVE SESSION

Commissioner Aud moved, seconded by Commissioner Dean, to meet in Executive Session in order to discuss matters of Personnel. The Session was held from 3:35 p.m. to 4:30 p.m.

ADJOURNMENT

The meeting adjourned at 4:30 p.m.

Approved,



George R. Aud
President